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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/752,139	01/05/2004	Michael Gauselmann	ATR-A-122-1P	3898

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EXAMINER	
BOND, CHRISTOPHER H	
ART UNIT	**PAPER NUMBER**
3714	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/17/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/752,139	GAUSELMANN, MICHAEL	
	Examiner	Art Unit	
	Christopher H. Bond	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 January 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *05 January 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *1/5/2004, 8/21/2006*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Amendment

1. Acknowledgement is made of the Amendment filed on January 26, 2007.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. **Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Loose et al., USPAT 6,571,433 (Loose 433) in view of Loose et al., USPUB 2003/0157980 (Loose 980).**

4. As to claims 1,3,4,6, 10-12, 16, and 17—Loose 433 discloses (abstract), "A spinning reel slot machine [comprised of] a plurality of...rotatable reels and a [separate] video display." Loose 433 further discloses (column 2, lines 22-51), "In response to a wager, the reels...are rotated and stopped to randomly place to randomly place[d] symbols on the reels...Payouts are awarded based on combinations and arrangements of the symbols appearing in the display area. The video display provides a video image occupying the display area...If the video image...is a direct image...the direct image is preferably generated by a flat panel transmissive video display...positioned in front of the reels....The transmissive display...may be outfitted with a touch screen mounted to a front surface of the display...The touch screen contains soft touch keys denoted by

the image on the underlying display...and used to operate the slot machine." Loose 433 further discloses (column 4, lines 41-42) that, "...the video image...may depict the bonus game and any bonuses resulting therefrom." Loose 433 further discloses (column 6, lines 7-9) that, "...the microcontroller...selectively access the video resources to be included in the video image...provided by the video display." This meets the applicant's limitations of having a gaming device comprising a main display (reels) with the main game granting awards, an electronic display other than the main display (video display), and a touch detection device over at least a portion of the electronic display. Further, this meets the applicant's limitations of having a gaming device further comprising a controller (microcontroller) to control the video display to display a bonus game, wherein the touch detection device (touch screen) allows the player to make selections for the game; having a main display comprised of a plurality of reels; and having the video display controlled to display both a bonus game and identify of the main game to the player.

5. While Loose 433 claims a transmissive display and discloses (column 2, lines 44-46) that, "The transmissive display...may, for example, be a transmissve liquid crystal display (LCD)...", Loose 433 fails to explicitly disclose that the video display is an organic light emitting diode (OLED). However, while an OLED differs from and LCD in a sense that the former is an emissive display device, while the later is a transmissive display device, they are both fall into the same scope, as they are both thin-film, flat panel display devices—plasma display devices also falling into this category.

6. Loose 980 discloses (paragraph [0031]) that, "...the image display device...may be one of a variety of devices including a CRT display, liquid crystal display (LCD), dot matrix, vacuum fluorescence display, organic light emitting diode (OLED), LED array, etc."

7. Loose 980 is evidence that one of ordinary skill in the art would find reason/motivation/suggestion to use an OLED display device interchangeably with an LCD device.

8. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the gaming device described in Loose 433 with the OLED display of Loose 980, for the purpose of having a greater selection of display means.

9. The methods performed by the gaming device including: conducting a main game on the main display, controlling the OLED display, receiving touch signals and performing a function pursuant to the touch signals, as well as controlling the OLED display to display a bonus game and display an identity of the main game, merely disclose the steps of the gaming device's operation, and since each element must be implemented in order to make the device, the method would have at least been obvious in view of the device.

10. Accordingly, claims 1,3,4,6, 10-12, 16 and 17 would have been at least obvious.

11. As to claims 2 and 7-9 and 13-15—Loose 433 discloses the claimed invention except for the limitations of having the electronic display overlying a portion of an outer housing of the gaming device, wherein the OLED is either below, above, or along side

of the main display. It would have been an obvious matter of design choice to put the display device in these locations, since applicant has not disclosed that putting the electronic display device in these locations solves any stated problem or is for any particular purpose other than flexibility and to generate excitement. Furthermore, the placement of the electronic display in Loose 433 is in no way limited to placement in the 'main display area', but is one such embodiment of the Loose 433 invention.

12. The method of performed by the game device, wherein the OLED is displayed either below, above, or along side the main display merely disclose the steps of the gaming device's operation, and since each element must be implemented in order to make the device, the method would have at least been obvious in view of the device.

13. Accordingly, claims 2, 7-9, and 13-15 would have been at least obvious.

14. As to claim 5, while Loose 433 does not explicitly disclose that the main display is an electronic display device, it is notoriously well known that electronic displays—especially electronic displays that simulate slot reels—are well established in the art as indicated by Loose 980 (paragraph [0003]) which states that, "Slot machines are generally available in two different types. First, a video-based slot machine depicts the symbol-bearing reels on a video display."

15. As to claims 18- 21, in addition to what has been discussed above, Loose 433 discloses (column 2, line 52—column 3, line 3), "If the video image... is a virtual image,... the virtual image may be threedimensional... [and] is optionally outfitted with a touch screen that contains soft touch keys denoted by the virtual image and used to operate (control) the slot machine..." Loose 433 further discloses (column 4, lines 51-

55) that, "...the...game may be depicted by the video image...alone or in conjunction with a video image depicted on an optional secondary video display ..the two video images may be linked (offset) to appear like one unified image." This would meet the applicant's limitations of having a three-dimensional display other than the main display, the three-dimensional display presenting a three-dimensional image of a control device to a player, wherein the three-dimensional display presents offset images to a player to cause the player to perceive a three-dimensional image, and wherein the three-dimensional display displays a control device in a bonus game. Since holograms are three-dimensional images and well known, it would be obvious that the broad claim of three-dimensional image, as disclosed by Loose 433 would meet this limitation.

16. Accordingly, claims 18-21 would have been at least obvious.

Response to Arguments

17. Applicant's arguments filed on January 26, 2007 have been fully considered but they are not persuasive.

18. In response to applicant's argument that:

> Regarding Claim 1, the office action did not address the non-obviousness of locating the OLED touch screen display away from the main game display area. Regarding Claims 7-9 and 13-15, which specify locations of the OLED display away from the main display, the examiner referred to the following sections of Loose '433: col. 2, lines 58-60; col. 3, lines 7-8; and col. 5, lines 38-41. Loose's col. 2, lines 58-60, and col. 3, lines 7-8, are directed to the physical location of the CRT 14b in Fig. 2b or other image generator whose image is reflected off the angled glass in front of the reels so the image is superimposed over the reels. This could not be Applicant's claimed OLED display since Applicant's OLED display has a touch screen over it, and the Loose '433 screens of the non-transparent displays are deep within the body of the gaming machine. Col. 5, lines 38-41, is directed to the transparent screen in front of the main display, where some of the graphics may be displayed slightly below the reels to avoid confusion. The screen still overlaps the entire main display area since its main purpose is to provide information that visually overlaps the reels.

The examiner respectfully disagrees and requests applicant to further review Loose 433 which employs a thin film, flat-panel electronic display device which uses a touch screen. While applicant agues that the thin film, flat-panel electronic display device which uses a touch screen as described in Loose 433 overlaps the main display area, it would have been an obvious matter of design choice to locate the screen elsewhere on the gaming device of Loose 433, and would be well within the level of ordinary skill in the art to do such.

19. In response to applicant's argument that:

> The examiner cited Loose '980 for its teaching of using OLEDs in a display. Loose '980 is identical to Loose '433 in its pertinent respects. Both are strictly limited to locating the video display in the same area as the main game so that the video display is interactive with the main game and becomes part of it. Loose '980 is unrelated to using the video display as a touch screen controller, since the video image forms part of the main game display.

20. The examiner respectfully disagrees again, as Loose 433 discloses (column 5, lines 43-51) that, "...in the direct image embodiment...the transmissive video display...may be backed by an extendable opaque shade during the bonus game. The shade is retracted from the display area...during the basic slot game. When the central processing unit shifts operation from the basic slot game to the bonus game, the shade extends through the display area to separate the transmissive video display...from the underlying reels and thereby completely shield the underlying reels." This suggests that direct video display (i.e. OLED/flat-panel display device) need not be interactive with the main game, as the main game is shielded from view during the bonus game played on the direct video display. While the direct display serves both an interactive and non-

interactive role with the main display area in Loose 433, it would have been obvious to one of ordinary skill in the art to alter the direct video display's location if it did not interact with the main display area in addition to serving a role as being a display for a separate, distinct, non-interactive bonus game.

Dependent Claim 5 is particularly nonobvious since it limits the main display to an "electronic display device." Loose '433 is strictly limited to using mechanical reels, otherwise the additional superimposed display is not needed. There could be no suggestion by Loose '433 to combine an OLED touch screen with a video reel display, since a video screen for the main game could then perform the function of the Loose '433 additional display. The Loose '980 video display either serves as the main game display or augments mechanical reels. This is inconsistent with Applicant's Claim 5.

The examiner respectfully disagrees with the applicant, as applicant is claiming a gaming device wherein the main display is an electronic display device. The examiner's intention of using Loose 433 is to illustrate the use of a thin film, flat panel display device with touch screen technology located on the periphery of a gaming machine. Loose 980 is used by the examiner to illustrate the common-place usage of OLED display devices on gaming machines as references in paragraphs 5-8 of this action. Furthermore, electronic display devices for the main display are well established and well known in the art as also indicated by Loose 980 and explained in paragraph 14 of this action. In keeping with Loose 433, both the main display (mechanical reels) and electronic display (thin film, flat-panel touch screen display) are separate and distinct displays—reference to Loose 980 is only used by the examiner to illustrate ubiquitous use of electronic display devices for the main display.

21. In response to applicant's argument that:

Claim 18 includes the limitation that "the entire three-dimensional display being located at a position other than over or in the main display area." Therefore, the reasons given above for why Claims 1 and 12 are not obvious also apply to amended Claim 18 and its dependent Claims 19-21.

The examiner respectfully disagrees with the applicant, as applicant's claim to locating the three-dimensional display device at a position other than over or in the main display area is a mere matter of design choice.

Conclusion

22. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher H. Bond whose telephone number is (571) 272-9760. The examiner can normally be reached on M-F 9:30am - 6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan M. Thai can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CHB
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Ronald Jonesau
Primary Examiner
4/13/07